

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WALTER VEGA,	:	Civil No. 3:20-cv-0766
	:	
Petitioner,	:	
	:	
v.	:	
	:	
COMMONWEALTH OF PA., et al.,	:	
	:	
Respondents.	:	Judge Sylvia H. Rambo

ORDER

AND NOW, this 21st day of April, upon consideration of the report and recommendation (Doc. 12) of Chief Magistrate Judge Mehalchick recommending the court dismiss petitioner Walter Vega’s petition as moot, and it appearing that Vega has not objected to the report, *see* FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” *Nara v. Frank*, 488 F.3d 187, 194 (3d Cir. 2007) (citing *Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” *Henderson*, 812 F.2d t 878; *see also Taylor v. Comm’r of Soc. Sec.*, 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing *Univac Dental Co. v. Dentsply Int’l, Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee

notes, and, following independent review of the record, the court being in agreement with the recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report and recommendation (Doc. 12) is ADOPTED.
2. The motion for leave to proceed *in forma pauperis* (Doc. 5) is GRANTED.
3. The petition (Doc. 1) is DISMISSED WITHOUT PREJUDICE as moot.
4. The Clerk of Court is directed to CLOSE the above-captioned action.
5. Any appeal from this order is deemed to be frivolous and not taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

s/Sylvia H. Rambo
United States District Judge